

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Metzgar, Gary, Mueller, Richard, Noble, Sherwood, O'Callaghan, Daniel, Puglia, Charles, Reagan, Kevin and Reagan, Ronald

(b) County of Residence of First Listed Plaintiff Erie
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christen Archer Pierrot, Esq., 3959 N. Buffalo Rd., Orchard Park, NY 14127, (716) 553-9899; and Mathew K. Pelkey, Colligan Law, LLP, 12 Fountain Plaza, Suite 600, Buffalo, NY 14042, (716) 885-1150

DEFENDANTS

U.A. Plumbers & Steamfitters Local 22 Pension Fund, et al
(see Attachment)

County of Residence of First Listed Defendant Erie
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jules L. Smith, Esq., Blitman & King, LLP
The Powers Building, 16 West Main Street, Suite 500,
Rochester, NY 14614

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. Sec. 1001 et. seq.

Brief description of cause:

Unlawful termination of benefits and/or unlawful reduction of benefits in violation of ERISA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Lawrence J. Vilardo

DOCKET NUMBER 13-cv-85-A

DATE

07/31/2017

SIGNATURE OF ATTORNEY OF RECORD

/s/Christen Archer Pierrot, Esq.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CIVIL COVER SHEET ATTACHMENT

1 of 2

I. DEFENDANTS, continued.

Board of Trustees U.A. Plumbers & Steamfitters Local 22 Pension Fund,

DONALD BROWN, JR., in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

RICHARD COSTANZO, in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

JEREMIAH DONOVAN, in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

DAVID GRIMBLE, in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

PATRICK LOOMIS, in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

RANDOLPH LUTZ, in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

ROBERT MAZE, in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

DAVID QUACKENBUSH, in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

PETE SEAGER, SR., in his capacity as former Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

DANIEL BRITZZALARO, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

RICHARD EVANS, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

JOHN NUTTLE, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

CIVIL COVER SHEET ATTACHMENT

2 of 2

I. DEFENDANTS, continued.

MICHAEL McNALLY, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

VAN MOLLENBERG, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

DAVID MUSKOPF, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

JOHN SAMAR, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

GEORGE SCHALK, in his capacity as Trustee and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND,

E. MICHAEL REDMOND, in his capacity as a former administrator and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND, and

DEBRA KORPOLINSKI, in her capacity as Plan Administrator and fiduciary of the U.A. PLUMBERS & STEAMFITTERS LOCAL 22 PENSION FUND.